

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

FILED

DEC 07 2018

United States of America

v.

BENJAMIN TYLER PRICE

Defendant(s)

Case No.

1:18MJ4294 ACL

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
CAPE GIRARDEAU

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 5, 2018 in the county of Butler in the
Eastern District of Missouri, the defendant(s) violated:

Code Section

Title 18, United States Code,
Section 922(g)(4)

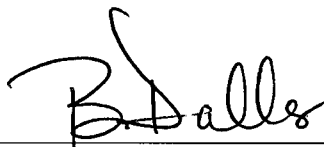
Offense Description

Possession of a firearm by a person who has been adjudicated as a mental
defective.

This criminal complaint is based on these facts:

See attached Affidavit, which is incorporated herein by reference.

☒ Continued on the attached sheet.



Complainant's signature

Beth Dallas, SA, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/07/2018

City and state: Cape Girardeau, MO



Judge's signature

Abbie Crites-Leoni, U.S. Magistrate Judge

Printed name and title

STATE OF MISSOURI)
) SS.

COUNTY OF CAPE GIRARDEAU)

AFFIDAVIT

I, Beth A. Dallas, being first duly sworn, depose and say that:

1. I am a duly commissioned Special Agent for the Bureau of Alcohol, Tobacco and Firearms (ATF), United States Department of Justice, and have been so employed since 2003. I have a Bachelor of Art degree in Sociology with a concentration in Criminology from the University of Tennessee and I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program and ATF New Professional Training. I have conducted numerous investigations involving violations of the Gun Control Act of 1968 and related criminal laws. My duties include the investigation of federal criminal violations by individuals prohibited from possessing firearms.

2. That on May 15, 2013, a Judgment of Incapacity was issued by the Ripley County Circuit Court in Case Number 13RI-PR00035 that found that Benjamin Tyler Price was "totally incapacitated by reason of respondent's mental condition and is unable to care for self." Diane Moore and Debbie Price were named as guardians of Benjamin Tyler Price in the same order. The Judgment found that Benjamin Tyler Price was "totally incapacitated as defined by Section 475.010 RSMo, without exception, as provided by Section 475.078.2 RSMo."

An "incapacitated person" is defined by RSMo, Section 475.010 (11) as "one who is unable by reason of any physical, mental, or cognitive condition to receive and evaluate information or to communicate decisions to such an extent that the person, even with appropriate services and assistive technology, lacks capacity to manage the person's essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur. The term "incapacitated person" as used in this chapter includes the term partially incapacitated person unless otherwise specified or apparent from the context".

3. Persons who have been adjudicated as a "mental defective" are prohibited from possessing firearms and/or ammunition pursuant to Title 18, United States Code, Section 922(g)(4). The statute does not define the meaning of "mental defective, but that definition is provided by the Code of Federal Regulations:

Adjudicated as a mental defective. (a) A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:

(1) Is a danger to himself or to others; or

(2) Lacks the mental capacity to contract or manage his own affairs.

27 C.F.R. § 478.11.

The Judgment issued by the Ripley County Circuit Court found that Price was totally incapacitated by reason of respondent's mental condition and is unable to care for self, thereby rendering Price a "mental defective" according to 27 C.F.R. § 478.11.

On December 3, 2018, an Application for 96 Hour Detention, Evaluation and Treatment/Rehabilitation Order was filed with the Butler County Circuit Court alleging that Benjamin Tyler Price was "increasingly psychotic, delusional, withdrawn, feel conspiracy against him by Government agencies and his parents, anxious, agitation, significant decline in ADL's (Activities of Daily Living) due to acute psychosis due to acute psychosis – can be danger himself and others – reality is completely distorted". The Application also noted that Benjamin Tyler Price needed involuntary hospitalization. The Application was signed by Naveed J. Mirza, M.D., Psychiatrist, Kneibert Clinic. The Application was approved by the Butler County Circuit Court, approving a 96 hour detention for evaluation and treatment.

4. On December 5, 2018, at around 7:09 a.m., Debra Price contacted the Butler County Sheriff's Office to report that her two sons, Benjamin Tyler Price and Joseph Michael Price, were missing from her care. Her sons went missing just after the Application referenced above was filed on December 3, 2018. Debra Price stated that she was the guardian for both of her sons due to a Judgment from the Ripley County Circuit Clerk. Debra Price reported that she had received information that both of her sons were currently located at a Minit-Mart convenience store in Poplar Bluff, Missouri. Debra Price was concerned with the welfare of her two sons and requested that the officers locate them to determine their well being. She told the officers that she had a current Order from the Butler County Circuit Court for both of her sons to be taken into custody for purposes of a mental health evaluation at a secure facility.

5. Officers drove to the Minit-Mart and found a GMC truck in the store's parking lot that was owned by Samuel Price. Samuel Price is the father of both Benjamin Tyler Price and Joseph Michael Price. The officers approached the vehicle and discovered that Benjamin Tyler Price was standing next to the vehicle. He was taken from the vehicle and handcuffed. The officers searched Benjamin Tyler Price and discovered that he had numerous pistol magazines on his

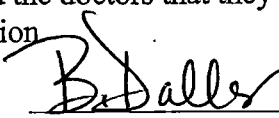
person, all of which were loaded with pistol ammunition. Officers also found a black ski mask in one of his pockets. While the officers were taking the magazines from his person, Benjamin Tyler Price told the officers that he also had a shotgun, pistol and other ammunition inside the vehicle. Benjamin Tyler Price told the officers that the "Military was after them" and that there was a hit out on his life and that he armed himself for his protection. Benjamin Tyler Price said that Joseph Michael Price was inside the Minit-Mart store. Officers searched the vehicle and found a Maverick, 12 gauge shotgun, bearing serial number MV899231 inside the truck. They also found a Hi-Point, .40 caliber pistol, bearing serial number X772657 inside the truck.

6. Officers went inside the Minit-Mart store to look for Joseph Michael Price. Employees of that store informed the officers that Joseph Michael Price had just entered the restroom. Officers went to the door of the restroom and heard someone tampering with the toilet. Officers entered the restroom and discovered Joseph Michael Price inside. They also found a pistol inside the water tank of the toilet. Joseph Michael Price was detained and handcuffed. The pistol in the tank was a Hi-Point, 9mm caliber pistol, bearing serial number P1858464.


Officers searched the truck with the consent of Benjamin Tyler Price and Joseph Michael Price and found around 1,000 rounds of Remington brand, .40 and 9mm caliber pistol ammunition in the GMC truck and on the persons of Benjamin Tyler Price and Joseph Michael Price, along with 110 rounds of Selleir and Bellot shotgun ammunition, along with mace, knives, masks and a flashlight, and other items. The shotgun ammunition was "00" buckshot, which is a particularly lethal round, in that each round of ammunition contains 12 pellets of .22 caliber size projectiles. These rounds are designed to disperse when fired, creating a pattern of projectiles.

7. All three firearms seized were manufactured in states other than Missouri. The ammunition found was all manufactured in states other than Missouri.

8. Both Benjamin Tyler Price and Joseph Michael Price were taken to a psychiatric hospital, where they were examined. Both men told the doctors that they were planning to kill multiple individuals with the firearms and ammunition.


Beth A. Dallas, SA, ATF

Sworn to and subscribed before me this 7th day of December, 2018.


Abbie Crites-Leoni
United States Magistrate Judge
Eastern District of Missouri